

MEMO

To: Shelburne Planning Commission

From: PlaceSense

Date: 5 December 2023

Re: Article 3. Zoning Districts

This memo is intended to assist in your review of the first draft of Article 3. Zoning Districts. We have attempted to provide a crosswalk between the adopted zoning district language and the proposed districts where there is directly comparable language. The notes summarize the sections and pose questions for Planning Commission discussion.

There is also an updated [online map](#) of the proposed zoning districts compared to the adopted districts to assist in your review. A series of small PDF maps are also enclosed with the draft.

DRAFT	ADOPTED	NOTES
Chapter 3000	Article II	Standard zoning language. Clarifies several issues not addressed fully in adopted regulations (Sections 3004-3007)
Chapter 3100	There is not a single equivalent section of the adopted regulations and related language is scattered (in definitions, etc.).	PC should look at Section 3103 and 3108 closely - these are both important policy setting sections. 3103 addresses how many principal buildings may be located on a lot. 3108 addresses the question raised at last month's meeting about whether density should be based on total lot area or buildable lot area. Section 3110 needs to be considered in conjunction with the height standards for each district. Paragraph (2) on the top of page 3.8 defines how height will be measured.
Chapter 3200	There is a general use table in Article II and use lists within each zoning district article.	PC should look at Paragraph 3202.E, which addresses uses not provided for in the regulations. An unlisted use could be allowed if the ZA determines it is 'materially similar' to a use that is allowed in a zoning district. PC should also look at Section 3204, which allows for more than one principal use on a lot in all zoning districts.
Chapter 3300	Articles III, IV, VI, VII, IX, X, XI, XII	This chapter sets out the standards for the serviced districts. At this point, we have drafted proposed dimensional standards and a use table for the districts. We have not drafted any district specific standards. Those standards will be developed in response to PC discussion and community input. We will speak to the types of standards that could be considered at the December 16 meeting. We also encourage PC members to think about the scale and intensity of use appropriate in each district. The use tables can be further refined using criteria like traffic generation or square feet of space occupied to ensure that scale and intensity of use is appropriate in the proposed location.

We are also asking you to think about the approach to residential density. The language presented in the serviced districts is intended to encourage small multi-unit dwellings (2, 3 and 4 units). Act 47 requires a duplex be allowed on any lot where a single unit dwelling is allowed. This proposed language goes beyond the minimum statutory requirements and would allow a 3 or 4 unit dwelling on any lot that meets the minimum lot size. For buildings with 5 or more units, there would be a requirement for a specified amount of lot area per unit.

Note that the scale of new construction would be controlled through the building height and footprint standard. So while multi-unit housing would be allowed in most of the serviced area and densities would be increased from current levels, there are still mechanisms available for shaping the form and character of any future development.

Chapter 3400 Articles III and XIII

This chapter sets out the standards for the rural districts. The current lot sizes and densities have been retained from the adopted regulations except that Act 47 now allows for a duplex wherever a single-unit dwelling is allowed.

PC should look at the use differences between the Rural Heritage and Tourism and the Rural Resource Protection districts. One of the unresolved discussion questions from the last meeting was whether to consolidate those into a single district. We have proposed a number of ag or tourism oriented businesses in the RL-HT district as permitted uses. The scale of those uses may be important to consider and could be managed through requirements for conditional use review for uses that might generate certain levels of traffic, etc.

Chapter 3500

§ 3502 Article XV

We have removed the demolition provisions from this section with the intent of placing them in a general section of the regulations. The purpose of this change is to create a review process for demolition of listed historic structures townwide, not just within the overlay district.

The applicability provisions have narrowed the scope of design review to stay within statutory authority to review exterior modifications to structures. There is new language to clarify what will be considered normal maintenance and repair.

We are recommending the Shelburnewood MHP be removed from the design review overlay district due to the statutory limitations on regulating development within an existing park. The boundary of the district has been aligned with property boundaries as most recently mapped.

DRAFT	ADOPTED	NOTES
§ 3503		This is placeholder language for the environmental review overlay. We will come back to further refine this as needed once Articles 6 and 7 are drafted. At this time, we are recommending that environmental review be required for subdivisions, PUDs, establishment of development envelopes and any development subject to site plan approval in the rural zoning districts.
§ 3504	Article XVIII	The flood hazard regulations have been updated based on the current state model. That model includes a new requirement for structures to be elevated 2 feet above base flood elevation (adopted regs only require 1 foot of elevation). The compensatory storage requirement is also new. Given that there are relatively few structures in the special flood hazard area at the present time and the limited impact of the SFHA in the village and developed neighborhoods, we are recommending that Shelburne prohibit any new dwellings within the overlay district.
§ 3505	Article XVIII	Shelburne's adopted regulations were granted 'interim approval' status under the state's river corridor program. To remain in the program, the town needs to adopt the river corridor maps and regulations now promulgated by ANR. This new overlay district uses the state maps and language. It also separates the flood hazard area, which must conform to federal requirements for the town to participate in the national flood insurance program, from the river corridor. There is significant overlap between the two overlays but they do encompass different areas and serve different functions. They should not be regulated as a single unit.